

REMARKS

The Examiner has objected to the disclosure under 35 CFR 1.163(a).

In paragraph "A," the Examiner has requested that the botanical name of the plant be italicized. Applicant has amended the specification to italicize the botanical name of the plant. Withdrawal of this objection is respectfully requested.

In paragraph "B," the Examiner has requested a brief description of how the new variety is distinguished from the cultivars 'Picnic Yellow' and 'Purple Passion.' Applicant has amended the specification in paragraph [0076] to include this information.

Withdrawal of this objection is respectfully requested.

In paragraph "C," the Examiner has requested clarification of the name and patent number of the cultivar described in paragraph [0003]. Applicant has amended the specification to correct the cultivar designation and the US Plant Patent number. Withdrawal of this objection is respectfully requested.

In paragraph "D," the Examiner has requested correction of the description of Figure 1. Applicant has amended the specification to correct this description.

Withdrawal of this objection is respectfully requested.

In paragraph "E," the Examiner has requested correction of the description of Figure 2. Applicant has amended the specification to correct this description.

Withdrawal of this objection is respectfully requested.

In paragraph "F," the Examiner has requested a statement that the claimed cultivar is stable and reproduces true to type in successive generations of asexual reproduction. Applicant has amended the specification to include this statement.

Withdrawal of this objection is respectfully requested.

In paragraph "G," the Examiner has requested clarification as to what is being described at paragraphs [0067] through [0071]. Applicant has amended the specification to more clearly indicate that the disc florets are being described.

References to "bud" have been removed from these paragraphs. Withdrawal of this objection is respectfully requested.

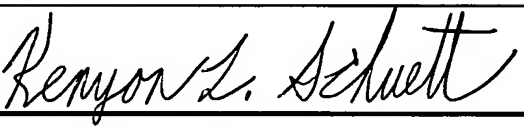
In paragraph "H," the Examiner has requested clarification of the bud color because what is recited does not correspond to the bud color depicted in the photograph. Applicant respectfully requests to submit this information at a later time as it is not available because the plants are not flowering at this time.

In paragraph "I," the Examiner has requested correction of the claim to include the word "plant" after "Osteospermum." Applicant has amended the claim as requested by the Examiner. Withdrawal of this objection is respectfully requested.

The claim is rejected under 35 U.S.C. §112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant. Applicant has amended the specification to provide a clearer and more complete botanical description of the plant. Withdrawal of this rejection is respectfully requested.

Attached hereto are marked-up and clean versions of the specification. The attached pages are captioned "**Version with markings to show changes made**" and "**Clean Version**".

In view of the above amendments and remarks, it is submitted that the claim satisfies the provisions of 35 U.S.C. § 112 and that the disclosure satisfies the provisions of 37 C.F.R. 1.163(a). Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324				
SIGNATURE				DATE	September 24, 2004
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898